

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

*** FILED ***
12/22/2000

12/20/2000

CLERK OF THE COURT
FORM R109B

JUDGE BARBARA JARRETT

M. Brown
Deputy

CR 2000-095181

FILED: _____

STATE OF ARIZONA

LEE M HOLTRY

v.

DONALD JAMES BLAHA
DOB: 11-20-60

PATRICK E ELDRIDGE

APO-SENTENCINGS-SE
APPEALS-SE
AZ DOC
DISPOSITION CLERK-SE
FINANCIAL SERVICES-CCC
MCSO-DIS
VICTIM WITNESS DIV-CA-SE

SUSPENSION OF SENTENCE - PROBATION GRANTED

9:00 A.M. State is represented by Michael Goldstein for Lee Holtry. Defendant is present and represented by Patrick E. Eldridge.

Court Reporter, Donna Johnson, is present.

The acceptance of the Defendant's plea having previously been deferred is now accepted and entered of record.

The Defendant is advised of the charge, the determination of guilt and is given the opportunity to speak.

Pursuant to A.R.S. Section 13-607,

THE COURT FINDS AS FOLLOWS:

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WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived his/her right to a trial with or without a jury, his/her right to confront and cross examine witnesses, his/her right to testify or remain silent and his/her right to present evidence and call his/her own witnesses after having been advised of these rights. The determination of guilt was based upon a plea of guilty.

Having found no legal cause to delay rendition of judgment and pronouncement of sentence, the Court enters the following judgment and sentence:

IT IS THE JUDGMENT of the Court that the Defendant is guilty of the crimes of:

OFFENSE: COUNT 1: AGGRAVATED DRIVING UNDER THE INFLUENCE, a class 4 FELONY, nondangerous and nonrepetitive offense in violation of A.R.S. Sections 28-1381(A)(1), 1383(A)(1), 1444, 3304, 3305, 3315, 13-701, 702, 801 committed on August 27, 2000.

Upon consideration of the offense, the facts, law and circumstances involved in this case, the Court finds that the Defendant is eligible for probation. The specific reasons for the granting of probation are stated by the Court on the record.

As punishment for this crime(s),

IT IS ORDERED suspending imposition of sentence and placing the Defendant on probation as to Count(s) 1 for a period of five years commencing December 20, 2000 under the supervision of the Adult Probation Department of this Court, in accordance with the formal Judgment and Order suspending sentence and Order imposing terms of probation signed by the Court.

As a condition of probation,

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THE COURT FURTHER FINDS that the term of probation should include imprisonment in the custody of the Arizona Department of Corrections as a term of probation.

IT IS ORDERED that the Defendant be committed to the Arizona Department of Corrections for a term of imprisonment for a period of four months commencing December 20, 2000 with credit for 2 days previously served.

IT IS ORDERED that if Defendant has his/her driver's license reinstated, he/she shall install a certified ignition interlock device on his/her vehicle for a period of one year. Defendant shall pay the costs for the installation and maintenance, and provide proof of the installation to the Arizona Department of Transportation and the Probation Office. Defendant shall provide proof of compliance and proof of inspection of the device to Arizona Department of Transportation every calendar quarter.

IT IS ORDERED that the Defendant pay a monthly probation service fee to the Clerk of the Superior Court of Maricopa County at a rate of \$40.00 commencing on July 1, 2001 and due on the same day of each month thereafter during the term of probation.

IT IS ORDERED that the Defendant pay an assessment in the amount of \$270.00 to the Clerk of the Superior Court of Maricopa County as follows:

\$250.00 to the DUI Abatement Fund.

Pursuant to A.R.S. Section 12-116, Defendant shall pay a fee of \$20.00 to the Clerk of the Superior Court of Maricopa County. Should Defendant pay all penalties, fines and/or sanctions in full this date, said fee is not applicable.

Payment is to be made in regular monthly payments of \$10.00 commencing July 1, 2001 and on the same day of each month thereafter until paid in full.

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IT IS ORDERED granting the Motion to Dismiss Count 2 and no further charges to be filed arising from Gilbert DR 00-007245.

IT IS FURTHER ORDERED setting a Restitution Hearing on **FEBRUARY 2, 2001 AT 8:30 A.M.** Defendant's presence is waived for this hearing.

The written terms and conditions of probation are handed to the Defendant for explanation, acceptance and signature. The Defendant agrees to the stated waiver of extradition. The Defendant is advised concerning the consequences of failure to abide the conditions of probation.

The Defendant is advised concerning rights of review after conviction and written notice of those rights is provided.

IT IS ORDERED authorizing the Sheriff of Maricopa County to transport the Defendant to the Arizona Department of Corrections and authorizing the Department of Corrections to carry out the condition of imprisonment on probation.

ISSUED: Order of Confinement.

IT IS FURTHER ORDERED that the Clerk of the Superior Court remit to the Department of Corrections a copy of this order together with all presentence reports, probation violation reports, medical and psychological reports which are not sealed relating to the Defendant and involving this cause.

IT IS FURTHER ORDERED exonerating any bond previously posted in this matter.

ISSUED: Order Exonerating Bond.

FILED: Conditions of Probation and Notice of Rights of Review after Conviction.

cc: DOC - Certified Copy via Certification Desk

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Let the record reflect that the Defendant's thumbprint is permanently affixed to this sentencing order in open court.

9:06 A.M. Matter concludes.

/s/ JUDGE BARBARA JARRETT
JUDICIAL OFFICER OF THE SUPERIOR COURT

(thumbprint)